

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of:)	
)	
MARITEL, INC.)	RM-10743
)	
and)	
)	
MOBEX NETWORK SERVICES, LLC)	
)	

To: The Commission

COMMENTS

Paging Systems, Inc. (“PSI”), by its attorneys and pursuant to *Public Notice*, Report No. 2615 released July 1, 2003, hereby submits its Comments in support of the above captioned petitions for rulemaking.

Background

Maritel, Inc. (“Maritel”) and Mobex Network Services, LLC (“Mobex”)(together, the “Petitioners”) on May 16, 2003 and June 13, 2003, respectively, filed Petitions For Rulemaking (“Petitions”) requesting that the Federal Communications Commission (“Commission” or “FCC”) initiate a rulemaking proceeding to amend and/or harmonize the interpretation of Part 80 of its Rules and Regulations with the changes in the wireless industry and with directly related modifications to FCC regulations prompted by the Telecommunications Act of 1996.

Discussion

Both Petitioners asked the Commission to allow greater flexibility to permit the most efficient use of the spectrum under Part 80. Both licensees state that because of the changes in the nature of ship-to-shore communications and increased competition from cellular operators, licensees of personal communications services and specialized mobile radio systems, the Commission must allow Part 80 carriers to provide other services to the public to permit the greatest use of the spectrum. PSI agrees that the Commission should provide uniformity of regulatory treatment in order that VHF Public Coast service and Automated Maritime Telecommunications System (“AMTS”) service (together, “Maritime Services”) can be afforded an equal playing field with their competitors to meet the needs of the public.

As Maritel and Mobex point out, the Commission’s regulations relate to an earlier time in the evolution of Maritime Services and wireless services, prior to the dominance of other competitive Commercial Mobile Radio Service (“CMRS”) providers. Such CMRS services are now providing services to Maritime Service customers. PSI agrees that the Part 80 rules -- or the Commission’s interpretation thereof -- restrict the Maritime Services, in contrast to the regulatory flexibility given to CMRS competitors by the FCC. Thus, the rules or the Commission’s interpretation of them must be made consistent with the reality of the wireless marketplace.

Both Petitioners point out a glaring inconsistency that highlights the clash between the old restrictive regime and the Commission’s present flexible approach toward

licensing, in the auctioning of large geographic licenses to the Maritime Services. These licenses cover land areas that may be far from coasts or waterways, yet the Commission regulations appear to restrict the Maritime Services from offering certain services over land. Obviously, this is a collision between past and present policies which must be reconciled by the Commission.

Additionally, to further extend the Commission's policy of flexibility to AMTS, PSI reiterates its request in its Petition for Reconsideration filed August 23, 2002.¹ In that Petition for Reconsideration, PSI requested reconsideration of FCC Rule Section 80.385(b)(1), which reduced the AMTS incumbents' service area from 17 dBu contours to 38 dBu contours by importing Part 90 amplitude modulation ("AM") service rules into the Part 80 frequency modulation ("FM") rules that govern Maritime Services. The FCC also imported a 10 dB AM co-channel interference protection for use with FM AMTS operations, which should require 18 dB interference protection. In order to allow AMTS service flexibility and provide the public with contiguous service, the Commission must reconsider its decision and allow 17 dBu contours and 18 dB carrier to interference ratio for incumbents' operations.

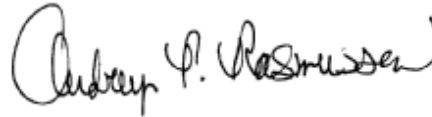
¹ *Second Memorandum and Order and Fifth Report and Order*, 17 FCC Rcd. 6685, 6704, 6736 (2002)

CONCLUSION

Paging Systems, Inc., therefore, respectfully requests that the Commission resolve the above-referenced issues and grant the Maritime Services the flexibility that it has provided to other wireless carriers, to better serve the public interest.

Respectfully submitted,

PAGING SYSTEMS, INC.

A handwritten signature in cursive script, reading "Audrey P. Rasmussen".

Audrey P. Rasmussen

David L. Hill

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